



## **ORDINANCE NO. 3269**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 22 TITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE VI TITLED "MECHANICAL STANDARDS" TO ADOPT THE PROVISIONS OF THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE WITH AMENDMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes (known generally as the "International Codes"); and

**WHEREAS**, the City of Farmers Branch has been involved throughout the development process of the International Codes, through participation with the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

**WHEREAS**, the creation of the 2012 editions of the International Codes by the ICC was in conjunction with the International Conference of Building Officials (ICBO), the organization whose codes the City of Farmers Branch has adopted since the 1970s; and

**WHEREAS**, the International Codes have been reviewed by the NCTCOG and City staff; and

**WHEREAS**, the City's building and construction codes are intended to be updated periodically, with the 2012 editions of the International Codes being the most current published building and construction codes for which local amendments have been developed; and

**WHEREAS**, the City Council of the City of Farmers Branch has determined that it is in the best interest of the citizens of the City of Farmers Branch to adopt the 2012 editions of the International Codes, as stated herein, as the minimum standards for the construction, use, occupancy and maintenance of buildings and structures within the City limits, as set forth herein, and to adopt local amendments to said codes in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 22 titled "Buildings and Building Regulations" of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by amending Article VI titled

“Mechanical Standards” by adopting the provisions of the 2012 Edition of the International Mechanical Code with amendments, to read as follows:

## **“CHAPTER 22. BUILDINGS AND BUILDING REGULATIONS**

...

### **ARTICLE VI. MECHANICAL STANDARDS**

#### **Sec. 22-191. Adoption of International Mechanical Code; purpose.**

There is hereby adopted by the City of Farmers Branch, Texas, for the purpose of establishing rules and regulations for the design, quality of materials, erection, construction, installation, alteration, repair, location, relocation, replacement, conversion, addition to, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all building or structures, the 2012 International Mechanical Code, published by the International Code Council, with the exception of such sections thereof as are hereafter deleted, modified or amended by this Ordinance, and the same are hereby adopted and incorporated herein, the same as if entirely set out at length herein, and from the date of which this Ordinance shall take effect, the provisions hereof shall be controlling within the corporate limits of the City of Farmers Branch, Texas. This code shall be known as the "Mechanical Code" or the "Farmers Branch Mechanical Code".

#### **Sec. 22-192. Amendments to International Mechanical Code.**

The mechanical code adopted in section 22-191 is amended as follows:

*102.8 Referenced codes and standards.* The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

*106.3.2 License Required.* All applications for permits must be made by a mechanical contractor who holds a valid registered license as a Texas Air Conditioning and Refrigeration Contractor issued by the State of Texas License and Registration Board. Mechanical contractors shall register their license with the City.

**EXCEPTION:** A property owner who is the current occupant of a homestead may apply for and obtain a permit to perform mechanical work on and for said homestead, provided all work which is normally required to be performed by a licensed person is performed by the property owner, all the work is performed in conformance with this code and no other City, County, State or Federal law is violated.

*106.5.2 Fee schedule.* The fees for mechanical work shall set forth in the Fee Schedules of the City of Farmers Branch.

*108.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, and upon conviction thereof in Municipal Court, shall be punishable by a fine of not more than two thousand dollars (\$2,000.00) for each offense.

*109.2 General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

*109.2.1 Appointment.* The members of the Zoning Board of Adjustment of the City of Farmers Branch shall be appointed as the board of appeals.

*109.2.3 Limitations of Authority.* The board of appeals shall have no authority relative to interpretations of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

*Delete Sections 109.2.4 – 109.7*

*306.3 Appliances in attics.* Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762mm) high and 22 inches (559mm) wide and not more than 20 feet (6096mm) in length measure along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610mm) wide. A level service space not less than 30 inches (762mm) deep and 30 inches (762mm) wide shall be present at the front of service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, for *access* to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An *access* door from an upper floor level.
4. *Access* Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**EXCEPTIONS:**

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet high and 22 inches wide for its entire length, the passageway shall be not greater than 50 feet in length.

**306.5.1 Sloped roofs.** Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof *access* to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

**306.5.1.1 Catwalk.** On roofs having slopes greater than 4 units vertical in 12 units horizontal, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to the working platform at the appliance.

A receptacle outlet shall be provided at or near the appliance location in accordance with the Electrical Code.

**306.6 Water heaters above ground or floor.** When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**EXCEPTION:** A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**306.6.1** Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1.

**Table 403.2.1 ... 5.** Toilet rooms within private dwellings that contain only a water closet and/or lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

**501.2 Exhaust discharge.** The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space.

**EXCEPTIONS:**

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.  
Commercial cooking re-circulating systems.
3. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

*607.5.1 Fire walls.* Ducts and transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with approved fire dampers installed in accordance with their listing. Hazardous exhaust ducts shall not penetrate fire walls.

**Secs. 22-193 – 22-225. Reserved.”**

**SECTION 2.** That all provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 4.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 5.** That any person violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00).

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THE 3<sup>rd</sup> DAY OF MARCH, 2014.**

**ATTEST:**

**APPROVED:**

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Angela Kelly, City Secretary

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William P. Glancy, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(2-14-14/64742)